1944

File No. B Rents, Hotel Rules and Lodging House Rules/44

Legal Department

B BRANCH

Subject:— (Governors Bill No XVI of 1944)

A Bill to amend the Bombay Rents Hotel Rules and Lodging House Rules Act 1944

(Insertion of New section 34-A in....)

(Bom XV of 1944)

E.
P-5
1944

File No. B. Rents Hotel Rules and Lodging House Rules/44

Gen. 191 e.

(Bom XV of 1944 570-D

Office of the F.L.A.

A revised draft Bill is sent herewith.

2. The draft Statement at page 11 as slightly amended is in order

3. The subject-matter of the Bill falls under entries 1,21 37 and 38 of List II , and entries , 1,8, 10 and 24 of List III in the Seventh Schedule to the Government of India Act, 1935. As none of the provisions of the Bill is repugnant to any existing Indian law relating to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Governor General under section 107(2) of the Government of India Act, 1935 , and paragraph (2) of the Proclamation. Under Executive Instructions the Bill requires previous concurrence of the Governor General

Id/-

P.N.M.

14/8/44.

Remembrancer of Legal Affairs.

U.R. to J.D. No. 5736 , dated the 15th August 1944.

VVK. 17/7/56/

5C.

15/8/17

14.8.17

No. 8131,

Legal Department

Bombay Castle, 20th November 1944.

From

P.N.Moos, Esquire, Bar-at -Law, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject : A Bill to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

Sir,

With reference to your Memorandum No.201(107), dated the 9th September 1944 addressed to the General Department, on the above subject I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

3. None of the provision of Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) and (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

4. The subject-matter of the Bill falls under entries 1,21,37 and 38 of List II and entries 1,8,10 and 24 of List III in the Seventh Schedule to the Government of India Act, 1935. As none of the provision of the Bill is repugnant to any existing Indian law relating to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

4. The date on which His Excellency the Governor 's assent is ven may kindly be entered in the endoresement.

5. I also forward herewith one spare copy of the Bill .

Your obedient Servant ,

Sd/-

P.N.MOOS,

Secretary to the Government of Bombay.

VVK. 17/7/56/

5C.

No. 201(107)

Office of the Governor's Secretary

Government House,
Bombay 25th November 1944.

From

D.Sumington. Esquire, CIE. ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government ,
Legal Department, Bombay.

Subject :- A Bill to amend the Bombay Rents Hotel Rat s and Lodging House Rates (Control) Act, 1944.

Sir,

With reference to your letter No. 8131 dated the 20th November 1944 , on the above subject, I am directed to return herewith the copy of the Bill to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act., 1944 , prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939 , issued by him nder secti n 93 of the Government of India Actm 1935, and to state that under theprovisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty .

Your obedient servant ,

Id/-

Secretary to Governor of Bombay .

VVK. 17/7/56/
5C.

Publication of the Bombay Rents, Hotel Rates and Lodging Housing Rates(Control)(Amendment)Act, 1944.

GOVERNMENT OF BOMBAY;
Legal Department ,
Resolution No.8383
Bombay Castle, 28th November 1944.

Letter to the Secretary to the Governor , No. 8131 dated the 20th November 1944.

Letter from the Secretary to the Governor, No. 201(107), dated the 25th November 1944.

"With reference to your letter No. 8181, dated the 20th November 1944, on the above subject, I am directed to return herewith the copy of the Bill to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that the assents to the Bill in the name of His Majesty

RESOLUTION :- The law should be published as Bombay Act NO XV of 1944 in the Bombay Government Gazette dated the 29th November 1944.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department .

By order of the Governor of Bombay

Sd/- H.K.Chitnis

for (Sd/- P.N.MOOS,
(Secretary to Governor.

To

The Manager, Government Central Press, Bombay (with a copy of Act and with a request that 15 Gazette copies of the Act may beforwarded to the Legal Department).

VVK. 17/756 /
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GOVERNOR'S BILL No. XVI OF 1944.

A Bill to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

Bom. VII of 1944.

WHEREAS it is expedient to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, for the purposes hereinafter appearing;

26 Geo. 5, ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay Rents, Hotel Rates and Lodging House Rates (Control) (Amendment) Act, 1944.

Insertion of new section 34A in Bom. VII of 1944.

Bom. VII of 1944.

2. After section 34 of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, the following new section shall be inserted, namely :—

Penalty.

"34A. Any manager of an hotel or owner of a lodging house—

(*i*) who fails or refuses to produce before the Controller any book of account, document or other information which the Controller may require him to produce under sub-section (*2*) of section 29 or refuses to allow the Controller or any person authorised by him under the said sub-section access to the premises to which an inquiry under sub-section (*1*) of section 29 relates, or

(*ii*) who charges any amount in excess of the fair rate in contravention of sub-section (*1*) of section 32, or

(*iii*) who fails to display a notice of the fair rate in contravention of the Controller's direction under section 33,

shall be punishable with imprisonment which may extend to three years or with fine or with both."

STATEMENT.

Part IV of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, does not provide for any penalties for breach of any of the sections in that Part of the Act or for non-compliance with the demands and directions made by the Controller. It is apprehended that unless penalties are prescribed, the purpose of the legislation will largely be defeated, as the owners of hotels and lodging houses may with impunity refuse to furnish the Controller with any information that may be required by him or may refuse to allow the Controller or any person authorised by him to enter upon any premises for the purposes of an enquiry or refuse to display notices of fair rates fixed by the Controller or charge higher rates in defiance of his orders. The present Bill is intended to provide for proper enforcement of Part IV of the Act by prescribing adequate penalties.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.